

RESEARCH ON LOCAL SELF-GOVERNMENT IN VIETNAM

NGUYEN VAN SON

National Academy of Public Administration –
Quang Nam Campus, Vietnam

<https://doi.org/10.37602/IJSSMR.2024.7537>

ABSTRACT

Local self-government is a popular development trend in countries around the world. It is the administrative activity of the government in the direction of autonomy, self-determination on the organization of the apparatus and local development tasks. Many countries have built a model of local self-government with its own features, suitable to the characteristics of their political, cultural and social regimes. Although many countries have not yet built a clear model of local self-government, they have strongly decentralized power to localities, creating diversity in the way of managing social development at the local level in each country. This study analyzes the characteristics of local self-government and analyzes the practice of local self-government in Vietnam; compares the practice in Vietnam with some countries in the world. With the above objective, the author explains the practical advantages and limitations in local self-government activities in Vietnam and suggests some issues that need to be further researched and innovated to build an effective government apparatus.

Keywords: Local government; Local self-government; Vietnam.

1.0 INTRODUCTION

In Vietnam, local government is established at 3 levels: Provincial level (63 provincial governments), district level (705 district governments), and commune level (10.599 commune governments) [GSO, 2023]. The statutory government agencies include the People's Council and the People's Committee [VNA, 2015], in which: Voters elect to establish the People's Council and the People's Council establishes the People's Committee.

Local government management activities are carried out according to the principle of combining sectoral management and territorial management [VNA, 2013]. Local governments carry out social management tasks according to decentralization, authorization, and delegation of authority, in which decentralization is the highest level [VNA, 2015]. This is the basis for local governments at all levels to proactively implement local development management tasks.

In a certain aspect, decentralization has helped government agencies to take the initiative and take responsibility for local development tasks. But in general, this is not clear enough to establish a model of local self-government. This is an issue that is being discussed in many scientific forums, and is also the topic that the author is interested in in this study.

2.0 THEORY OF LOCAL SELF-GOVERNMENT

The term “self-management” is interpreted as “self-supervision and management of work without anyone’s control” [CD, 2011]. According to this approach, each social entity has the right to self-management when they are allowed to decide on all issues related to the entire implementation process of a specific job within the legal limits. Expanding this concept, it can be seen that local self-management implies that local authorities have the right to self-determine local issues within the permitted scope and on the basis of decentralization from the central government according to the law. According to Phuong, N.T. (2018), local self-management becomes a condition for implementing local governance; without this condition, the locality is just a “processing” department of tasks assigned by the central government without any conditions attached, that is, it cannot demonstrate its independent role and responsibility in performing tasks and the results of performing tasks.

Many other researchers also established similar views when discussing local self-government, that the independence and autonomy of the government in solving local problems and independence in relation to the higher-level government. Cuong, N.V. (2015) emphasized the characteristics and role of the government in local self-government activities, according to which the activities of local government agencies only depend on the law and are not directly under the higher-level government or the central government agency. With this explanation, Cuong, N.V. (2015) affirmed that local self-government has the right to make independent initiatives to solve local problems; that is the free space where local communities together with their local government can make their own decisions and organize the implementation of their decisions when having to solve problems arising from the locality.

In practice in European countries, local self-government is a widely applied governance method for countries joining the European Union, implemented according to the European Charter on Local Self-Government in 1985 [CE, 1985]. For example: Local governments in the UK are independent, not subordinate to each other and the central government is not the superior management agency for localities, does not control localities [An, L.T.H. et al., 2015]; local governments in France are self-governing, independent communities, financially autonomous, have legal status and especially do not have a hierarchical system or supervision between local governments [Ngoc, D.B., 2013]; German local government is clearly decentralized, each level of local government is proactive in performing decentralized tasks, one level does it, the other does not [Phuong, N.T., 2018]. Many other countries outside the European Union also implement local autonomy in a sharp way. In the United States and Japan, the autonomous nature of local governments and the decentralization of power to local governments are typical features; local governments are independent entities, not dependent on or subject to direction or intervention from higher-level governments [Cuong, N.V., 2015].

According to the above approaches and research perspectives, it is possible to see two basic issues of local self-government, which are independence in the way of organization and independence in administrative activities to carry out local development tasks. When local self-government is an independently organized entity elected by local people in a democratic form, it will be a condition allowing localities to be proactive and autonomous in promoting local resources for development; independent and autonomous on the basis of decentralization according to law and not subject to the control and intervention of higher-level government agencies when deciding on local development tasks.

3.0 PRACTICE OF LOCAL SELF-GOVERNMENT IN VIETNAM

Vietnamese law stipulates the organization and operation of local governments in a democratic form; clearly defining the authority between the central and local governments, and between local governments levels [VNA, 2013]. The issue of decentralization, authorization and delegation of power to local government levels is stipulated by law, in which decentralization is the highest level [VNA, 2025], but it has not clearly demonstrated the spirit of self-governance of local governments, and has not established a model of local self-governance, while local self-governance is a necessary condition of local governance. However, the self-governing nature of the government is expressed to a certain extent, which is explained in the aspects of organization and operation of the government apparatus below.

a) Organization of local government apparatus

The law stipulates that people participate in organizing the local government apparatus in a democratic form: Election of People's Council delegates to establish the People's Council - an agency representing the will and aspirations of local people; The People's Council establishes the People's Committee - an agency exercising executive power to manage and operate local activities [VNA, 2013; VNA, 2015].

The election is conducted on the principles of universal, equal, direct and secret ballot. Citizens aged 18 and over have the right to vote and those aged 21 and over have the right to run for election to the People's Council. Some cases that are not eligible to vote or run for election include: Those who are deprived of the right to vote according to a court verdict or decision that has come into legal effect; those sentenced to death awaiting execution; those serving a prison sentence without a suspended sentence; and those who have lost their civil capacity. And thus, the organization of the local government apparatus with the People's Council is carried out through direct election.

The People's Council continues to establish the People's Committee - the agency that exercises executive power to manage and operate local activities. The role of the People's Committee is directly demonstrated through the organization of policy and law enforcement in the locality, serving the people and meeting the legitimate needs of local people. In this way, the election to establish the People's Committee as the agency that performs the task of managing and operating local activities is not directly elected by the people. Many research opinions believe that this mechanism has reduced the opportunity for people to directly choose the heads of agencies in the local executive apparatus who are outstandingly talented.

Another problem is that the organization of local governments at each level in Vietnam is not completely independent, but is controlled and dependent on the higher-level government. This is quite different from the organization of self-governing local governments in many European countries, Japan, and the US as mentioned, that: Local governments at each level are organized independently in the spirit of self-governance, only complying with the law without direct approval from the higher-level government on the organization of the apparatus of the lower-level government. The practice of organizing local governments in Vietnam is: (1) The Chairman of the People's Committee at the higher level approves the election results, dismisses, and removes the Chairman and Vice Chairman of the People's Committee at the lower level; transfers, suspends work, and removes the Chairman and Vice Chairman of the People's

Committee at the lower level; (2) The People's Council at the higher level has the right to dissolve the People's Council at the lower level in case that People's Council causes serious damage to the interests of the people.

b) Activities of local government apparatus

Vietnamese law regulates the activities of local governments with inspection, examination and supervision by the government and higher-level state agencies; closely combining sectoral management with territorial management [VNA, 2015]. This content is explained in detail below.

- Firstly, local authorities are responsible to higher-level state agencies for the results of performing their tasks and powers: People's Councils are responsible to local people and higher-level state agencies; People's Committees are responsible to local people, People's Councils at the same level and higher-level state administrative agencies.

- Second, the superior government inspects and supervises the activities of the subordinate government; the superior state agency, within the scope of its tasks and powers, is responsible for inspecting and examining the constitutionality and legality in the performance of tasks and powers delegated to local governments.

For provincial level: Provincial local authorities are responsible to higher-level state agencies for the results of performing their tasks and powers; inspect and supervise the organization and operation of local authorities in administrative units in the area.

For district level: District-level local authorities are responsible to provincial-level local authorities for the results of performing their tasks and powers; inspect and supervise the organization and operation of commune-level local authorities.

For commune level: Commune-level local authorities are responsible to district-level local authorities for the results of implementing their tasks and powers. Commune-level People's Councils have the right to annul part or all of illegal documents of the People's Committee and the Chairman of the People's Committee at the same level.

In addition to the general principles mentioned above, Vietnamese law also clearly defines the authority of each level of government in special cases: (1) Issues related to the scope of two or more commune-level administrative units are under the authority of the district-level local government; (2) Issues related to the scope of two or more district-level administrative units are under the authority of the provincial-level local government; (3) Issues related to the scope of two or more provincial-level administrative units are under the authority of the central state agency. These contents are implemented except in cases where laws, resolutions of the National Assembly, ordinances, and resolutions of the National Assembly Standing Committee have other provisions.

It can be seen that the organization and operation of local governments in Vietnam are implemented in a democratic form with clear principles of decentralization, authorization, and delegation of power, but with its own characteristics, in accordance with the political regime of Vietnam. However, the organization of the local government apparatus in Vietnam has not

shown similarities with some local self-governance models of many developed countries in the world, although it has demonstrated democratic nature and democratic form. In addition, with the principle of closely combining sectoral management with territorial management and the principle of unity and consistency in state management activities, the activities of each level of local government in Vietnam are governed by both the government and the superior state agencies through the form of inspection, examination, and supervision. This has not fully promoted the autonomous role of each local level in promoting resources for local development, while local governments in rural and urban areas have their own characteristics that need to be exploited and promoted. This is also an issue that needs to be further researched and innovated to move towards building a model of local self-governance in Vietnam in line with the general trend of the world - Establishing models of urban and rural governments.

4.0 RESEARCH DISCUSSION ISSUES

From the practice of organization and operation of local government in Vietnam, the author discusses the issue of innovation research, which is: Building local government in Vietnam according to the urban government and rural government models. Building two models of urban government and rural government aims to build a diverse local government system, suitable to the characteristics of the local population; building a state management method compatible with the characteristics of each type of government. This requires institutionalizing the organization and operation of rural government and urban government.

Building and operating the urban and rural government models scientifically will help each locality to choose and apply appropriate organizational and management models to effectively perform the tasks of social development administration in the territory. At the same time, it will help government leaders to easily promote local resources through the appropriate model chosen. In general, when choosing the appropriate government apparatus, localities will maximize internal and external resources to create competitive advantages for development. Explaining the construction of the two urban and rural government models mentioned above, the author emphasizes the scientific nature and feasibility in both theoretical, legal and practical aspects.

In terms of theory, many studies have confirmed that the effectiveness of local government operations depends on many factors, but first of all, it depends on the organization of local administrative units (territories). Here, two basic types of administrative units are mentioned, namely natural administrative units and artificial administrative units [Phuong, N.M., 2021]. According to Dung, N.D. (2016), natural administrative units are administrative units with a history of natural formation and development based on characteristics of population, geography, customs, habits, cultural traditions, and history with long-standing stability; artificial administrative units are newly formed administrative units or administrative units with characteristics of population, geography, customs, habits, cultural traditions, and history that are not long-standing stability or according to the specific management needs of the central government.

In terms of law, Vietnamese law has specific provisions that: Local governments are organized in accordance with the characteristics of rural, urban, island, and special administrative-economic units as prescribed by law [VNA, 2013]. This is the legal basis for determining the

model of urban and rural governments. Accordingly, it is possible to determine rural governments in administrative units with a history of natural formation and development based on characteristics of population, geography, customs, habits, cultural traditions, and history that are stable for a long time, such as provinces, districts, and communes. And determine urban governments in administrative units with characteristics of population, geography, customs, habits, cultural traditions, and history that are less stable for a long time than provinces, districts, and communes, such as cities, districts, towns, wards, and townships.

In terms of practice, many developed countries in the world have built a flexible local self-governing government model, suitable to the characteristics of their residential communities, history, and national culture. The local government in the United States is organized according to the Mayor - Council model, the Committee model, the City Manager model; local governments at all levels are highly independent, free to choose the organizational model and operate according to the principle of self-governance with clear decentralization [Cuong, N.V., 2015]. Japanese local governments are organized quite diversely, including special administrative regions, cooperative governments between counties, property-owning district governments, and local development association governments; this diversity is due to historical and geographical factors - the country is formed from tens of thousands of islands and there are differences in resources between many regions [An, L.T.H., et al., 2015].

Thus, with a clear theoretical basis, legal basis, and practical basis, the author emphasizes the need to diversify the organization and operation of Vietnamese local governments, including urban and rural governments. This content is consistent with Vietnam's legal regulations and consistent with the general trend of countries with diverse geographical, cultural, and ethnic characteristics. This research result is not only meaningful to the author himself in understanding the organization and operation of Vietnamese local governments, but also has reference value for Vietnamese policy makers to continue researching and adjusting policies and laws to reform the government apparatus to operate effectively.

REFERENCES

- An, L.T.H.; Thang, D.N. (2015). "The model of local government organization in some countries in the world". State Organization Review, address http://tcnn.vn/Plus.Aspx/en/News/125/0/1010073/0/18710/Mo_hinh_to_chuc_chinh_quyen_dia_phuon_g_mot_so_nuoc_tren_the_gioi, accessed March 20, 2015.
- CE - Council of Europe (1985). "European charter of local self-government". European Treaty Series - No. 122, Strasbourg, 15.X.1985.
- CD - Center for Dictionaries (2011). Vietnamese Dictionary. Danang Publisher.
- Cuong, N.V. (2015). International experience on local self-governance and its applicability in Vietnam. Judicial Publisher.
- Dung, N.D. (2016). "On the Law on Organization of Local Government". Science Journal of Vietnam National University - Hanoi, Section on Law, Vol.32, No.3.

GSO - General Statistics Office (2023). "Administrative units", address <https://www.gso.gov.vn/phuong-phap-thong-ke/danh-muc/don-vi-hanh-chinh/>

Ngoc, D.B. (2013). "The local governance model of some European countries". Journal of European Studies, No. 159.

Phuong, N.M. (2021). "Renovating the organizational and operational models of local authorities in our country today". Journal of Theoretical Activities, Issue. 177.

Phuong, N.T. (2018). Local governance: From theory to practice. Social Science Publisher.

VNA - Vietnam National Assembly (2013). The Constitution of the Socialist Republic of Vietnam. National Political Publisher.

VNA - Vietnam National Assembly (2015). Law on Organization of Local Government, No. 77/2015/QH13. National Political Publisher.